

THIRTY-FIFTH DAY

(Monday, March 11, 1957)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis
Lane	Wood

Absent—Excused

Martin

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Friday, March 8, 1957, was dispensed with and the Journal was approved.

Leave of Absence

Senator Martin was granted leave of absence for today and the remainder of the week on account of illness on motion of Senator Willis.

Reports of Standing Committees

Senator Willis submitted the following report:

Austin, Texas,
March 11, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 282, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,
March 11, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. C. R. No. 39, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Austin, Texas,
March 11, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 37, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

WILLIS, Chairman.

Senator Rogers submitted the following reports:

Austin, Texas,
March 11, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred H. B. No. 48, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Vice-Chairman.

Austin, Texas,
March 11, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial Districts, to whom was referred S. B. No. 204, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Vice-Chairman.

Austin, Texas,
March 11, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Legislative, Congressional and Judicial

Districts, to whom was referred H. B. No. 182, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

ROGERS, Vice-Chairman.

Senate Bill 392 on First Reading

Senator Herring moved that Senate Rule 114 and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lock
Ashley	Moffett
Bracewell	Moore
Bradshaw	Owen
Colson	Parkhouse
Fly	Phillips
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent

Secrest

Absent—Excused

Martin

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Herring:

S. B. No. 392, A bill to be entitled "An Act to provide for the proper policing of toll roads, turnpikes and turnpike projects; providing that all penal statutes relating to the operation of motor vehicles upon public highways shall be applicable on turnpikes, toll roads and turnpike projects; authorizing the Department of Public Safety to expend the necessary funds to permit policing of turnpikes and turnpike projects under contracts entered into with the Texas Turnpike Authority under the Inter-Agency Cooperation Act and pursuant to Chapter 410, Acts of the 53rd Legislature,

Regular Session, 1953; providing that all such expenditures shall be in excess of the amounts and for the same purposes but not subject to the limitations of numbers of personnel and equipment in the then current biennial appropriation bill, making an appropriation and declaring an emergency."

To the Committee on Transportation.

Bills and Resolution Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. B. No. 90, A bill to be entitled "An Act relating to fishing in Laguna Madre in Cameron County; amending Section 4a of Chapter 119, Acts of the 53rd Legislature, Regular Session, 1953; repealing Chapter 155, Acts of the 52nd Legislature, 1951; and declaring an emergency."

H. B. No. 110, A bill to be entitled "An Act amending Senate Bill No. 97, Chapter 55, Acts of the Fifty-fourth Legislature, Regular Session, 1955, so as to clarify and make more certain the laws pertaining to contents, issuance, service, and return of writs, notices, and citations in probate proceedings; to define more clearly the laws applicable to independent executors; to clarify the rights of the competent spouse of an incompetent spouse with respect to community property; to amend and revise laws pertaining to the amount of bonds to be given by personal representatives who are required to give bonds, determining penalties, reducing or raising penalties of such bonds; etc., and declaring an emergency."

H. B. No. 145, A bill to be entitled "An Act amending Chapter 352, General Laws, Regular Session, 53rd Legislature, 1953 (codified as Article 7519a and 7519b), so as to declare as abandoned all certified filings heretofore filed with and permits heretofore issued by the Board of Water Engineers and permits hereafter issued by the Board of Water Engineers or its successor, which certified filings and permits authorize the appropriation of public waters, when no part of the waters authorized to be appropriated has ever been put to beneficial use at

any time during a ten-year period preceding the effective date of this Act or the date of cancellation proceedings authorized hereby; etc.; and declaring an emergency."

H. B. No. 172, A bill to be entitled "An Act repealing Acts 1945, Forty-ninth Legislature, P. 274, Ch. 203 (Article 118c-2 of Vernon's Civil Statutes) and declaring an emergency."

H. B. No. 181, A bill to be entitled "An Act authorizing the possession of certain devices for catching fish or shrimp under specified circumstances in Willacy County Navigation District; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. B. No. 366, A bill to be entitled "An Act to amend the Harris County Road Law, Act 1913, Thirty-third Legislature, Special Laws, Page 64, Chapter 17, as amended by adding Section 16-A, to provide for the supervision and maintenance of all roads, bridges, drains, ditches, culverts, formerly located in the County and now located in any city, town or village in Harris County by reason of annexation, but only until such time as the validity of the annexation has been finally disposed of; and declaring an emergency."

H. C. R. No. 33, Memorializing Congress as to States Rights.

Senate Resolution 205

Senator Owen offered the following resolution:

Whereas, We are honored today to have a visitor in the Senate Mr. C. C. Cragin of El Paso; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented Mr. Cragin to the Members of the Senate.

Senate Concurrent Resolution 40

Senator Parkhouse offered the following resolution:

S. C. R. No. 40, Petitioning Congress to stop entering the field of business that should be conducted by private citizens.

Whereas, The Government of the United States has and is continuing to enter into the field of business that should be conducted by the individual citizens of this country; and

Whereas, It is the consensus of opinion of the Legislature of the State of Texas that the Government of the United States should not engage in any business, professional, commercial, financial, or industrial enterprise except as specified in the Constitution, and that the laws of the several states are being abrogated by foreign and domestic agreements; now, therefore, be it

Resolved, by the Senate of Texas, the House of Representatives concurring, That we respectfully request the Congress of the United States to propose to the people an amendment to the Constitution of the United States, or to call a convention for such purpose as provided by law, to add to the Constitution an article providing substantially as follows:

"ARTICLE

Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

Sec. 2. The Constitution or laws of any State, or the laws of the United States, shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

Sec. 3. The activities of the United States Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold."; and, be it further

Resolved, That a copy of this resolution be forwarded by the Secretary of State to each member of Congress from the State of Texas.

PARKHOUSE
HARDEMAN

The resolution was read and was referred to the Committee on State Affairs.

Senate Resolution 206

Senator Colson offered the following resolution:

Whereas, The Big Sandy Wildcats of the Big Sandy Independent School District of Polk County, Texas, won their second Class B Basketball Championship in Austin, Texas, on March 9, 1957, their first State title being claimed in 1952; and

Whereas, All-state guard, Oscar Williams, scored 31 points to break the individual scoring record in Class B final games, which record had been set five years previously by his older brother, Milton Williams; and

Whereas, The Wildcats set a second record by scoring 80 points, the greatest number ever scored in a Class B championship contest; and

Whereas, It continued Big Sandy's enviable record of reaching the finals in each of its seven tournament appearances during the past nine years; and

Whereas, Ford King has been a constant source of inspiration to his championship team and a great coach to the Wildcats he loves so well; and

Whereas, The overwhelming victory fulfilled the Wildcats' pledge to win the title for this highly esteemed veteran coach, who has indicated that this will be his last season with them; and

Whereas, The team had also dedicated its best efforts to winning the State Championship in memory of Mrs. Ford King, the beloved wife of their coach and the mother of one of their teammates, Ford King, Jr., who passed on to her Heavenly reward early this year; now, therefore, be it

Resolved, That the Senate of the 55th Legislature of the State of Texas express its congratulations to this fine group of young athletes and their coach for their excellent teamwork in reaching this goal of athletic competition, and to wish them continued success in the future; and, be it further

Resolved, That a copy of this Resolution, properly endorsed and bearing the official seal of the Senate, be forwarded to each of them in recognition and appreciation of their outstanding achievement.

The resolution was read and was adopted.

Senate Resolution 207

Senator Roberts offered the following resolution for Senator Martin:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Sterling H. Flynt, of Italy, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Roberts by unanimous consent presented Mr. and Mrs. Flynt to the Members of the Senate.

Senate Resolution 208

Senator Moffett offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Messrs. Jack Martin, Jack Connell, J. R. Drummond, C. M. Crowell and C. F. Luna of Wichita Falls, and Messrs. Fred Parkay, Lester Brooks and Joe Price of Iowa Park, Texas; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and the Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate and the privileges of the floor for the day.

The resolution was read and was adopted.

Senate Resolution 209

Senator Owen offered the following resolution:

Whereas, We are honored to have in the gallery of the Senate, Sandy Kendrick, Larry Wilkins, Bobby Dean, Jimmy Lackey and Tom Turk of the Pecos High School, Pecos, Texas, who are in the Capital City for the State Basketball Tournament; and

Whereas, These students are on an educational tour of the Capitol Building the Capital City; and

Whereas, This fine group of young

American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senate Resolution 210

Senator Owen offered the following resolution:

Whereas, The Boys Basketball Team of Van Horn High School, in Culberson County, Texas, as champions of their District, are presently competing in the State Class B Conference Meet to be held in Austin presently under way in the Capital City this the 8th day of March; and

Whereas, This team has been guided to this championship and inspired by Guy C. Woodruff, its coach; and

Whereas, The individual members of this team have each contributed his measure of valor, sportsmanship and honor to the Team's endeavors; and

Whereas, The Senate of the State of Texas should take this opportunity of congratulating this team and in this manner showing its praise; now, therefore, be it

Resolved, By the Senate of the State of Texas, That the coach and each of the fine young men constituting the Van Horn High School Basketball Team be welcomed to the Capital City and the Senate, and be supported in its contest.

The resolution was read and was adopted.

Committee to Escort the Honorable Prentice Cooper to Joint Session

The President announced pursuant to the provisions of S. C. R. No. 27 the appointment of the following as a committee to escort the Honorable Prentice Cooper to the Joint Session:

Senators Hardeman, Weinert, Lane, Ashley and Hazlewood.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 11, 1957.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. C. R. No. 24, Granting permission to the City of McAllen, Texas, to sue the State, etc., as amended.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Committee Substitute Senate Bill 222 on Second Reading

On motion of Senator Fly and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C. S. S. B. No. 222, A bill to be entitled "An Act amending Articles 1.02, 1.03, 1.04, 1.05, 1.06, 1.08 and 1.09 of the Insurance Code, same being Acts of the 52nd Legislature, R. S. (1951), Chapter 491, p. 868, as amended; by creating the Board of Insurance Commissioners of Texas; providing for the appointment, bond, and compensation of the members of said Board; prescribing their qualifications and terms of office, and the manner in which they shall operate; providing how vacancies on the Board shall be filled; defining the duties of the Board, together with its powers and functions; providing for meetings of the Board; providing for appointment of a Commissioner of Insurance and for his bond and compensation; defining the duties and powers of the Commissioner of Insurance; appointing the Commissioner of Insurance, the State Fire Marshal; providing for the appointment of a Deputy Commissioner and for his compensation and bond; defining the powers and duties of the Deputy Commissioner; making certain persons ineligible to be members of the Board or Commissioner of Insurance, or to hold any office or employment under either; providing an effective date; and declaring an emergency."

The bill was read the second time.

Senator Fly offered the following amendment to the bill:

Amend Sections 2 and 8 of Senate Bill 222, as amended, by striking the words, "Board of Insurance Commissioners," wherever same appears therein, and substitute in lieu thereof

the following: "Texas Insurance Board."

The amendment was adopted.

Senator Herring offered the following amendment to the bill:

Amend Senate Bill No. 222 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1: Art. 1.08 of the Insurance Code is hereby amended to read as follows:

"Art. 1.08. The Board shall appoint and employ an Executive Secretary who shall serve at the pleasure of the Board. He shall execute a bond, payable to the State of Texas, in such sum as the Board shall specify to be approved by the Board and conditioned upon the faithful performance of his duties. The Executive Secretary shall receive such compensation and reimbursement for expenses as the Legislature by appropriation shall authorize. The Executive Secretary shall be the Chief Administrative Officer of the Board with authority to issue notices of public hearings authorized by the Board, approve payrolls, and direct the general administration of the office of the Board.

"Section 2: The need for an Executive Secretary for the Board of Insurance Commissioners to relieve the Board of administrative details creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The amendment was read.

On motion of Senator Fly the amendment was tabled by the following vote:

Yeas—17

Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fly	Reagan
Hardeman	Rogers
Hudson	Smith
Kazen	Weinert
Lock	Willis
Moffett	

Nays—13

Aikin	Ashley
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Fuller	Moore
Gonzalez	Ratliff
Hazlewood	Roberts
Herring	Secrest
Krueger	Wood
Lane	

Absent—Excused

Martin

Senator Hardeman offered the following amendment to the bill:

Amend Com. Sub. for S. B. No. 222, Sec. 6, p. 2, line 43, by inserting after the comma in said line 43 and before the word "who" the following:

"by and with the advice and consent of the Senate."

The amendment was adopted.

Senator Ratliff offered the following amendment to the bill:

Amend Section 2 of Senate Committee Substitute for Senate Bill 222 so that it shall hereafter read as follows:

Section 2: Article 1.02 of the Insurance Code is hereby amended to read and provide as follows:

"Art. 1.02. Board of Insurance Commissioners. (a) There is hereby created a Board of Insurance Commissioners of Texas which shall consist of three members, all of whom shall be citizens of Texas, and two of whom shall be the present confirmed members of the Board of Insurance Commissioners, who shall serve for the duration of their terms of office, respectively expiring February 10, 1959, and February 10, 1961, for which they have been confirmed by the Senate as members of the Board of Insurance Commissioners. The third member of the Board of Insurance Commissioners of Texas shall be appointed by the Governor, by and with the consent of the Senate, for a term expiring February 10, 1963. The Board shall operate and function as a whole, and a majority vote of its members shall be necessary to transact any official business.

"(b) All the powers, functions, privileges, prerogatives, duties and obligations heretofore vested in and devolving upon the Board of Insurance Commissioners, the Chairman of said Board, the Life Insurance Commissioner, the Fire Insurance Commissioner (except his duties as State Fire Marshal), and Casualty Insurance Commissioner are hereby vested

in the Board of Insurance Commissioners of Texas who shall exercise such powers, functions, privileges and prerogatives as a body, to be administered by the Commissioner of Insurance as the chief executive officer for the Board under its supervision.

"(c) Members of the Board shall receive such compensation as the Legislature may fix."

Amend Section 3 of Senate Committee Substitute for Senate Bill 222 that said Section 3 shall hereafter read as follows:

Section 3. Article 1.03 of the Insurance Code is hereby amended to read and provide as follows:

"Art. 1.03. Terms of Office. On February 10, 1959, and each odd-numbered year thereafter, the Governor shall appoint a member for a term of six years, by and with the consent of the Senate, which term shall begin from the 10th day of February of each such year. Each member shall serve until his successor has qualified."

The amendment was read.

On motion of Senator Fly the amendment was tabled by the following vote:

Yeas—19

Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Kazen	Weinert
Krueger	Willis
Moffett	

Nays—11

Aikin	Lock
Ashley	Moore
Hazlewood	Ratliff
Herring	Smith
Hudson	Wood
Lane	

Absent—Excused

Martin

Senator Owen offered the following amendment to the bill:

Amend Committee Substitute to S. B. 222 by adding a new section after sec. number nine to be numbered section ten, and renumbering the suc-

ceeding sections and to read as follows:

The Board of Insurance Commissioners shall make no expenditures of money for any purpose to any individual, group of individuals, or corporation connected either directly or indirectly with any insurance company, insurance agency, insurance brokerage, or insurance adjuster. It is expressly provided, however, that the Commission shall comply with the provisions hereof not later than one year from the effective date hereof.

The amendment was read.

Senator Fly moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—7

Bradshaw	Moore
Fly	Parkhouse
Herring	Ratliff
Lock	

Nays—23

Aikin	Moffett
Ashley	Owen
Bracewell	Phillips
Colson	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Hudson	Weinert
Kazen	Willis
Krueger	Wood
Lane	

Absent—Excused

Martin

Question recurring on the amendment it was adopted.

Senator Hazlewood offered the following amendment to the bill:

Amend Committee Substitute for S. B. No. 222 by striking out the words "a Commissioner" in line 43, and inserting in lieu thereof the words "three Commissioners;" and by striking out the words in line 44, "He shall execute a bond" and inserting in lieu thereof "They shall execute bonds."

The amendment was read.

On motion of Senator Fly, the amendment was tabled by the following vote:

Yeas—20

Ashley	Moffett
Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fly	Reagan
Fuller	Roberts
Hardeman	Rogers
Kazen	Secrest
Krueger	Weinert
Lock	Willis

Nays—10

Aikin	Lane
Gonzalez	Moore
Hazlewood	Ratliff
Herring	Smith
Hudson	Wood

Absent—Excused

Martin

Senator Herring offered the following amendment to the bill:

Amend Senate Committee Substitute for Senate Bill No. 222 by adding a new Section thereto to be numbered and entitled "Section 9a" to read and provide as follows:

"If any insurance company or other party of interest be dissatisfied with any decision, regulation, order, rate, rule, act or administrative ruling adopted by the Board of Insurance Commissioners of Texas, such dissatisfied company or party at interest after failing to get relief from the Board of Insurance Commissioners of Texas, may file a petition setting forth the particular objection to such decision, regulation, order, rate, rule, act or administrative ruling, or to either or all of them, in the District Court of Travis County, Texas, and not elsewhere, against the Board of Insurance Commissioners of Texas. Said action shall have precedence over all other causes on the docket of a different nature. The action shall not be limited to questions of law and the substantial evidence rule shall not apply, but such actions shall be tried and determined upon a trial de novo to the same extent as now provided for in the case of an appeal from the Justice Court to County Court. Either party to said action may appeal to the Appellate Court having jurisdiction of said cause and said appeal shall be at once returnable to said Appellate Court having jurisdiction of said cause and said action so ap-

pealed shall have precedence in said Appellate Court over all causes of a different character therein pending. The Board shall not be required to give any appeal bond in any cause arising hereunder."

The amendment was adopted.

On motion of Senator Fly and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended passed to engrossment.

Committee Substitute Senate Bill 222 on Third Reading

Senator Fly moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that S. B. No. 222 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—24

Aikin	Lock
Ashley	Moffett
Bracewell	Owen
Bradshaw	Parkhouse
Colson	Phillips
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hudson	Smith
Kazen	Weinert
Krueger	Willis

Nays—6

Hazlewood	Moore
Herring	Ratliff
Lane	Wood

Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Lane, Moore, Herring, Hazlewood and Ratliff asked to be recorded as voting "nay" on the final passage of C. S. S. B. No. 222.

Senate Resolution 211

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate James Lovering, Rex Ballard, Atlee Frazier, Lester Walters, Geo. Eichler, Paul Blackford; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the distinguished guests to the Members of the Senate.

Senate Resolution 212

Senator Owen offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Dr. George Turner of El Paso, Texas; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Owen by unanimous consent presented Dr. Turner to the Members of the Senate.

Senate Resolution 213

Senator Bracewell offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the Boy Scout Troop 300 from La Porte, Harris County, Texas, accompanied by their Scoutmaster, Mr. Weldon Cade; and

Whereas, this troop is on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe

and learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Bracewell by unanimous consent presented the Troop and Mr. Cade to the Members of the Senate.

Senate Resolution 214

Senator Herring offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate, the 6th grade class from Del Valle, Texas, accompanied by their teacher, Mr. Skrivanek; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed their class in recognition of their visit.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the students and Mr. Skrivanek to the Members of the Senate.

Senate Bill 129 on Second Reading

On motion of Senator Weinert and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its Second Reading and passage to engrossment:

S. B. No. 129, A bill to be entitled "An Act amending the Texas Business Corporation Act, Chapter 64, Acts 1955, 54th Legislature; said Act

being amended by amending Section A of Article 2.18; amending Article 2.19 by adding thereto two additional sections, Section E and Section F; amending Section A of Article 2.22; amending Section C of Article 2.22; amending Section A of Article 3.02; amending Section A of Article 3.04; amending Section B and Paragraph (2) of Section C of Article 4.07; amending Article 5.09; amending Article 5.10; amending Article 5.11; amending Section B of Article 8.01; amending Section A of Article 8.14; and amending paragraph 13 of Section A of Article 10.01; containing a partial invalidity clause; and declaring an emergency."

The bill was read second time.

Senator Weinert offered the following Committee Amendment to the bill:

Amend Senate Bill No. 129 by adding a new section following Section 4 to be designated as Section 4A to read as follows:

"Section 4A. Section D of Article 2.29 of the Texas Business Corporation Act (Chapter 64, Acts 1955, 54th Legislature) is hereby amended so as to read as follows:

"D. At each election for directors every shareholder entitled to vote at such election shall have the right to vote, in person or by proxy, the number of shares owned by him for as many persons as there are directors to be elected and for whose election he has a right to vote, or, if expressly authorized by the articles of incorporation, to cumulate his votes by giving one candidate as many votes as the number of such directors multiplied by the number of his shares shall equal or by distributing such votes on the same principle among any number of such candidates. Any shareholder who is so authorized and intends to cumulate his votes shall give written notice of such intention to the secretary of the corporation on or before the day preceding the election at which such shareholder intends to cumulate his vote."

The Committee Amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend Section 2 of Senate Bill 129

by adding the following paragraph to said Section 2:

Article 2.19, subsection A, of the Texas Business Corporation Act, Chapter 64 (Acts, 1955, 54th Legislature), is hereby amended by substituting a new subsection A of said Article 2.19 reading as follows:

"A corporation shall deliver certificates representing all shares to which shareholders are entitled; and such certificates shall be signed by the president or a vice president and either the secretary or assistant secretary or such officer or officers as the bylaws of the corporation shall prescribe, and may be sealed with the seal of the corporation or a facsimile thereof. The signatures of the president or vice president, secretary or assistant secretary or such officer or officers as the bylaws of the corporation shall prescribe upon a certificate may be facsimiles, if the certificate is countersigned by a transfer agent or registered by a registrar, either of which is other than the corporation itself or an employee of the corporation. In case any officer who has signed or whose facsimile signature has been placed upon such certificate shall have ceased to be such officer before such certificate is issued, it may be issued by the corporation with the same effect as if he were such officer at the date of its issuance."

The amendment was adopted.

On motion of Senator Weinert and by unanimous consent the caption was amended to conform to the body of the bill, as amended.

The bill as amended was passed to engrossment.

Senate Bill 129 on Third Reading

Senator Weinert moved that the Constitutional Rule and Senate Rule 32 requiring bills to be read on three several days be suspended and that Senate Bill No. 129 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Fuller
Ashley	Gonzalez
Bracewell	Hardeman
Bradshaw	Hazlewood
Colson	Herring
Fly	Hudson

Kazen	Ratliff
Krueger	Reagan
Lane	Roberts
Lock	Rogers
Moffett	Secrest
Moore	Smith
Owen	Weinert
Parkhouse	Willis
Phillips	Wood

Absent—Excused

Martin

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Herring
Ashley	Hudson
Bracewell	Kazen
Bradshaw	Krueger
Colson	Lane
Fly	Lock
Fuller	Moffett
Gonzalez	Moore
Hardeman	Owen
Hazlewood	Parkhouse

Phillips	Secrest
Ratliff	Smith
Reagan	Weinert
Roberts	Willis
Rogers	Wood

Absent—Excused

Martin

Special Notices

Senator Rogers gave notice that he would on tomorrow move to suspend necessary rules to take up and consider S. B. No. 32.

Senator Herring gave notice that he would on tomorrow move to suspend necessary rules to take up and consider S. B. No. 183.

Senator Willis gave notice that he would on tomorrow move to suspend necessary rules to take up and consider S. B. No. 287.

Adjournment

On motion of Senator Hardeman the Senate at 12:29 o'clock p.m. adjourned until 10:00 o'clock a.m. tomorrow.

In Memory of
Reverend Ray A. Deison

Senator Colson offered the following resolution:

(Senate Resolution 204)

Whereas, On January 30, 1957, the City of Conroe and the State of Texas lost a worthy and outstanding citizen in the untimely passing of Reverend Ray A. Deison; and

Whereas, Reverend Deison was born in Austin, Texas on July 4, 1905 and on December 22, 1929, was married to Miss Helen Kirk; and

Whereas, He was graduated from the University of Texas in 1936 and from the Austin Presbyterian Theological Seminary in 1934, and on April 29, 1934 was ordained a minister in the Presbyterian Church; and

Whereas, In his life, Reverend Deison demonstrated in his every act the eternal beauty of unselfish service, bringing unto himself the confidence, the respect and the admiration of all whose lives he touched; and

Whereas, Reverend Deison was charitable to the unfortunate, and friendly and generous in his consideration for others; he found comfort and joy in his life of devotion to his family and friends; and

Whereas, Reverend Deison is survived by his widow, Mrs. Helen Deison of Conroe, Texas; four daughters, Miss Rebecca Deison of Conroe, Texas; Mrs. Dianne O'Leary of San Antonio, Texas; Mrs. Betty Lou Greenshield of Houston, Texas; and Mrs. Patsy Peacock of Edwards, California; three sons, R. S. (Mickey) Deison, Jr., David Deison, and Peter Deison, all of Conroe, Texas; and

Whereas, It is the desire of the members of the Senate to express their deepest sympathy to the bereaved family in the passing of this consecrated Christian gentleman; now, therefore, be it

Resolved, By the Senate of the State of Texas, That enrolled copies of this Resolution be sent to the members of his family; and, be it further

Resolved, That a page in today's Senate Journal be dedicated to the memory of Reverend Ray A. Deison; and that when the Senate adjourns today, it do so in his memory.

The resolution was read and was adopted by a rising vote of the Senate.